

**CALENDAR ITEM  
C20**

A 7  
S 6

12/17/14  
PRC 6670.1  
G. Asimakopoulos

**GENERAL LEASE – RECREATIONAL AND  
PROTECTIVE STRUCTURE USE**

**APPLICANTS:**

Kevin Kay and Kelli A. Kay, as Trustees of the Kay Revocable Living Trust

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land located in the Sacramento River, adjacent to 4229 Garden Highway, near the city of Sacramento, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing uncovered single-berth floating boat dock with boatlift, walkway, three pilings, a two-pile dolphin and bank protection previously authorized by the Commission, and a double jet-ski ramp and two floats not previously authorized by the Commission.

**LEASE TERM:**

10 years, beginning November 17, 2014.

**CONSIDERATION:**

**Uncovered Single-Berth Floating Dock with Boatlift, Walkway, Three Pilings, Two-Pile Dolphin, Double Jet-Ski Ramp, and Two Floats:** \$311 per year, with an annual Consumer Price Index adjustment.

**Bank Protection:** The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

**SPECIFIC LEASE PROVISIONS:**

Liability insurance in an amount no less than \$1,000,000 per occurrence.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland adjoining the lease premises.

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2. On June 7, 2004, the Commission authorized a 10-year General Lease - Protective Structure and Recreational Use with David Gross and Felicia Gross for the uncovered single-berth floating boat dock, walkway, three pilings, two-pile dolphin, bank protection, and the addition of the boat lift. That lease expired on May 31, 2014.
3. On November 12, 2014, the upland parcel was deeded to Kevin E. Kay and Kelli A. Kay. On November 17, 2014, the upland parcel was deeded to Kevin Kay and Kelli A. Kay, as Trustees of the Kay Revocable Living Trust. The Applicants are now applying for a General Lease – Recreational and Protective Structure Use.
4. At some point, the two floats and double jet ski ramp were added to the lease premises. Because these facilities are appurtenances to the pier and are not inconsistent with the Public Trust needs at this location, staff is recommending their inclusion in the proposed new lease.
5. The bank protection will mutually benefit both the public and the Applicants. The bank of the Sacramento River will have additional protection from wave action provided at no cost to the public.
6. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

CALENDAR ITEM NO. **C20** (CONT'D)

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

**SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Kevin Kay and Kelli A. Kay, as Trustees of the Kay Revocable Living Trust beginning November 17, 2014, for a term of 10 years for the continued use and maintenance of an existing uncovered single-berth floating boat dock with boatlift, walkway, three pilings, a two-pile dolphin, and bank protection previously authorized by the Commission, and a double jet-ski ramp and two floats not previously authorized by the Commission, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration for the existing uncovered single-berth floating boat dock with boatlift, walkway, three pilings, two-pile dolphin, double jet-ski ramp, and two floats: \$311 per year, with an annual Consumer Price Index adjustment; consideration for the bank protection: the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 6670.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflow Survey 193, patented July 11, 1865 of the County of Sacramento, State of California, and more particularly described as follows:

**PARCEL 1 – DOCK**

All those lands underlying an existing single-birth floating boat dock, boat lift, two (2) floats, jet ski ramp, 2-pile dolphin, three (3) pilings, and walkway lying adjacent to that parcel as described in Exhibit "A" of that Grant Deed recorded April 13, 2012 in Book 20120413 Page 0260 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure lying adjacent to said parcel.

EXCEPTING THEREFROM any portion(s) lying landward of the Ordinary High Water Mark of the Sacramento River.

Accompanying plat is hereby made a part of this description.

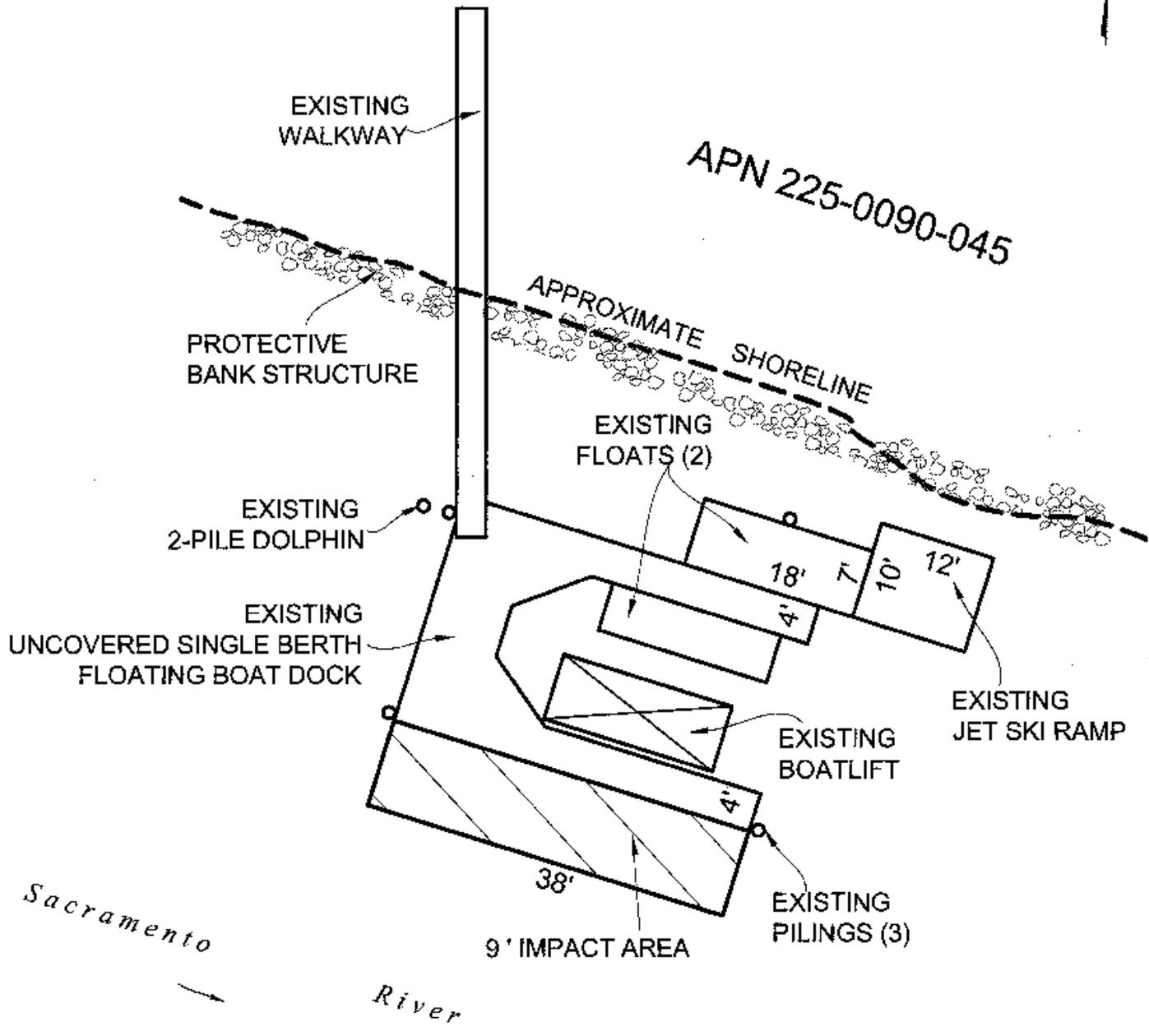
**END OF DESCRIPTION**

Prepared November 13, 2014 by the California State Lands Commission Boundary Unit.





APN 225-0090-045



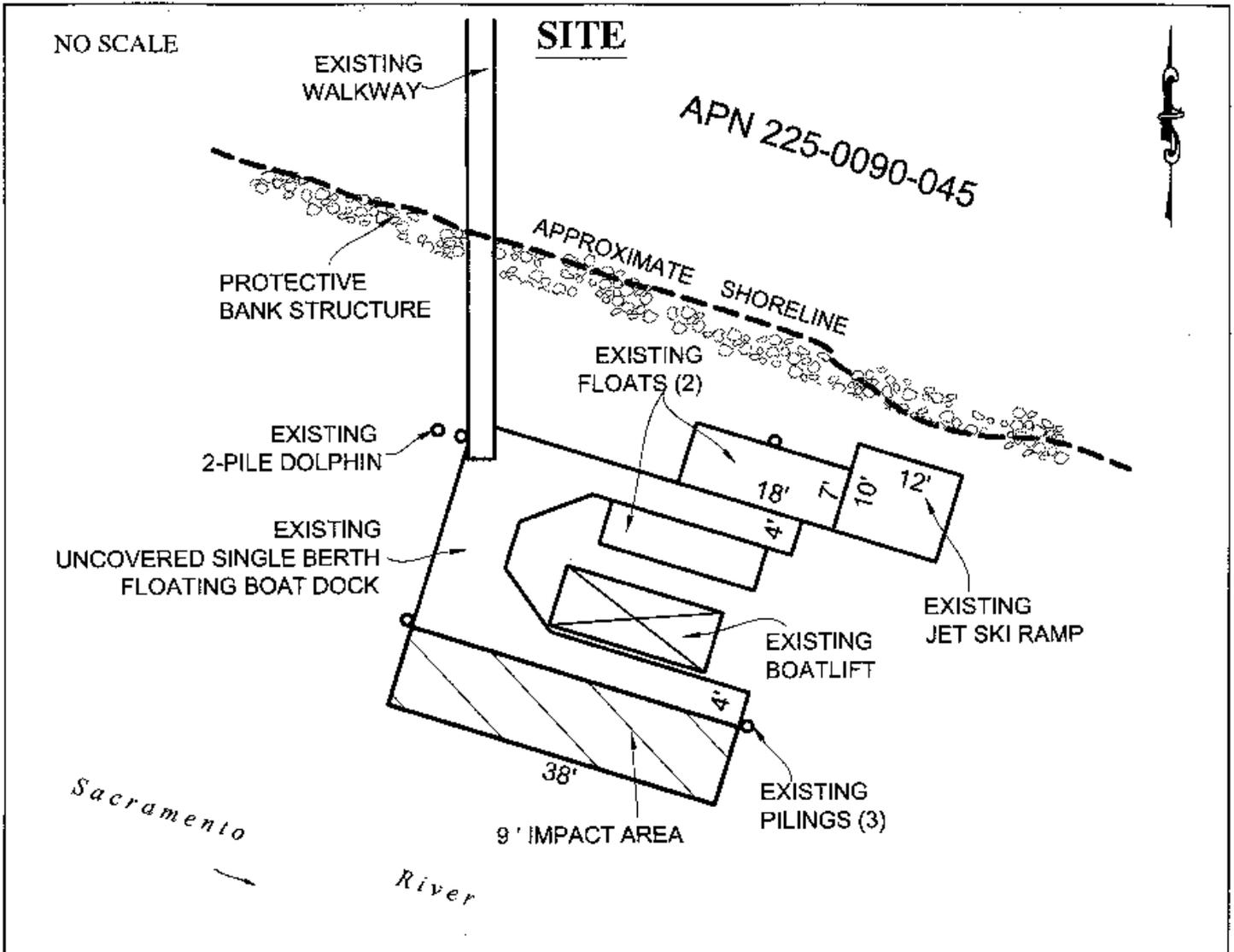
# EXHIBIT A

MJJ 11/13/14

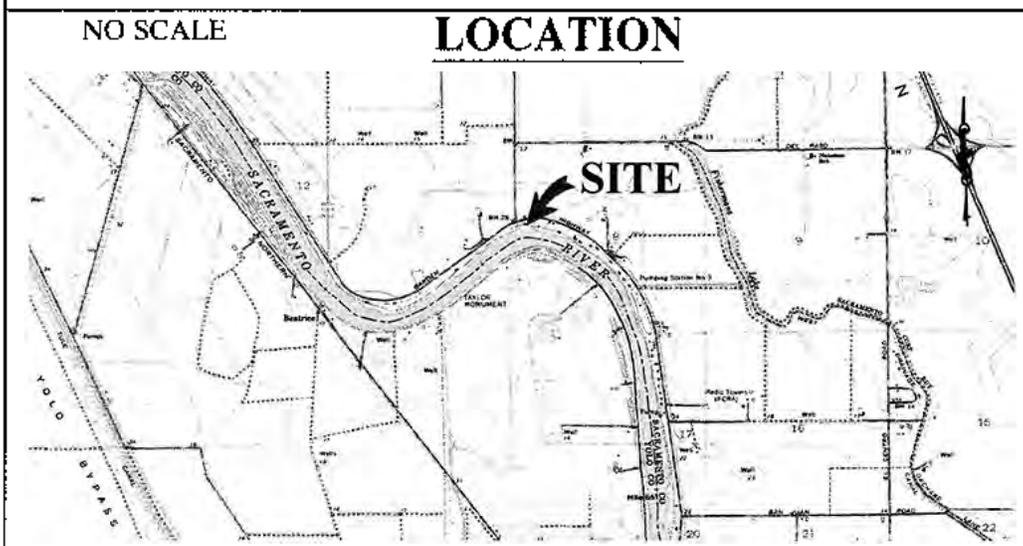
LAND DESCRIPTION PLAT  
 PRC 6670.1, KAY REVOCABLE LIVING TRUST  
 SACRAMENTO COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION





4229 GARDEN HIGHWAY, SACRAMENTO



MAP SOURCE: USGS QUAD

**Exhibit B**

PRC 6670.1  
 KAY REVOCABLE  
 LIVING TRUST  
 APN 225-0090-045  
 GENERAL LEASE -  
 RECREATIONAL &  
 PROTECTIVE STRUCTURE USE  
 SACRAMENTO COUNTY



MJJ 11/13/2014

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.